

### **Remarks**

Claims 21 – 45 remain in the application and new independent claim 46 has been added. Applicant includes herewith completed credit card payment form PTO-2038 for 43 dollars to cover the cost of one additional independent claim. This transmittal is presented in response to the second office action and is believed to completely resolve each issue as raised by the examiner. Applicant believes the claims as amended to be non-obvious and patentably distinct from all prior art.

### **OA Item #1: Restriction under 35 USC § 121:**

In response to the restriction requirement under 35 USC § 121 imposed by the examiner, applicant elects for prosecution and restricts his claims to the invention of group I. Nevertheless, applicant traverses the examiner's restriction requirement. Applicant notes that new claim 46, in addition to other limitations, includes all of the limitations found in independent claims 21, 28, 34, and 40 in a single independent claim. Inasmuch as the limitations of claims 21, 28, 34, and 40 are effectively subsets of the limitations found in claim 46, Applicant respectfully suggests that a restriction requirement under 35 USC § 121 is not proper. Applicant makes this election without prejudice to subsequent refiling in a divisional application at a later date.

**Conclusion:**

Applicant notes that any amendments made by this paper which are not specifically discussed herein are made solely for the purpose of more clearly and particularly pointing out and claiming Applicant's invention.


Applicant specifically reserves the right to prosecute claims of broader and differing scope than those presented herein in a continuation application.

Applicant submits that the amendments to the claims and the arguments presented herein have placed the claims in condition for allowance. Action in accordance therewith is earnestly solicited.

If the Examiner has any questions or comments which may be resolved over the telephone, she is requested to call Michael R. Schramm at 801-625-9268 (wk) or at 435-734-2599 (hm).

DATE: July 16, 2004

Respectfully submitted,

  
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Michael R. Schramm